PROCEDURES COMMITTEE
AGENDA
1st Meeting, 2003 (Session 2)
Wednesday 11 June 2003

The Committee will meet at 10.30 am in Committee Room 2.

1. Declaration of Interests: Members of the Committee will be invited to declare any relevant interests.

2. Choice of Convener: The Committee will choose its Convener.

3. Choice of Deputy Convener: The Committee will choose its Deputy Convener.

4. Legacy of the previous committee: The Committee will consider a note by the clerk.

5. First Minister’s Question Time: The Committee will consider correspondence between the First Minister and Presiding Officer and a letter from the Presiding Officer to the Convener.

Andrew Mylne
Clerk to the Committee
Room 5.19 PHQ
Ext 85175
andrew.mylne@scottish.parliament.uk
The following papers are attached for this meeting:

**Agenda item 1**
Declaration of Interests (note by the Clerk)  PR/S2/03/1/1

**Agenda items 2 and 3**
Choice of Convener and Deputy Convener (note by the Clerk)  PR/S2/03/1/2

**Agenda item 4**
Legacy of the previous committee (note by the Clerk)  PR/S2/03/1/3

**Agenda item 5**
First Minister's Question Time (note by the Clerk and correspondence)  PR/S2/03/1/4

The following papers are attached for information:

Time in the Chamber (paper by the previous committee)  PR/S2/03/1/5

Administration of the Committee (note by the Clerk) (un-numbered)

An introduction to the Official Report (un-numbered)
PROCEDURES COMMITTEE
DECLARATION OF INTERESTS

Note by the Clerk

Background

1. Article 5 of the Members’ Interests Order provides that before participating in proceedings (otherwise than by attending or voting) a member must make an oral statement or declaration of any registered interests which would prejudice or give the appearance of prejudicing the Member’s ability to participate in a disinterested manner.

2. It is the responsibility of the individual Member to judge whether a registered interest is sufficiently relevant to particular proceedings to require a declaration. The Code of Conduct advises at paragraph 5.2.12 that Members should “err on the side of caution”. Members may also seek advice from the Standards Committee Clerks (Room 5.19 PHQ).

3. Members are not required to declare interests which they have registered on a voluntary basis (i.e. those appearing in the “Miscellaneous” category on the Register).

Declaration of Interests at the First Committee Meeting

3. In the previous Parliamentary session, it was established that Members should make an initial declaration of interests at the first meeting of each committee to the extent of that committee’s remit. Paragraph 5.3.3 of the Code of Conduct states that:

“It has been established as good practice that Members should declare interests relevant to the remit of that committee at the first meeting of the committee or on the first occasion on which they address the committee, irrespective of the business before the committee at that meeting.”

4. At the first meeting of the Procedures Committee, the oldest Member (who will be in the chair) will invite Members to declare any relevant registrable interests. The declaration should be brief but sufficiently informative to enable a listener to understand the nature of the Member’s interest. It is not necessary to rehearse all the details of an interest as it appears in the Member’s entry in the Register of Interests if this is more than required to explain the nature of the interest.

5. If Members have any questions about what might constitute an interest relevant to the remit of the Procedures Committee, they should contact me prior to the meeting. The Standards Committee Clerks are also happy to provide advice.

Declaration of Interests at Subsequent Committee Meetings

6. Members are also required to declare any registered interests which may be relevant to business discussed at subsequent committee meetings. Where a Member has an interest relevant to the proceedings, he or she must make a
declaration of interest at each meeting in which he or she participates (other than by simply attending or voting). This is to allow the public attending any committee meeting to be aware of the Member's interest. The declaration should be made at the start of the relevant agenda item or as soon as the Member is able to make the declaration, but before otherwise participating in those proceedings. A declaration must be made whether a committee meets in public or in private. Where a relevant matter is discussed in both private and public at any single committee meeting, the declaration should, as good practice, be made during the public session even if it has already been made in private session.

7. Members should, as good practice, also declare any business or personal relationships they might have with any advisers or witnesses to the committee.

**Further Guidance**

8. Further guidance on declaring registrable interests may be found in section 5 of the Code of Conduct. The Standards Committee Clerks are also happy to provide advice to Members.
Introduction

1. This paper is designed to inform Members of the procedure for choosing a Convener and Deputy Convener at the first meeting of the Committee.

Oldest Member

2. Standing Orders oblige all committees to choose a Convener at their first meeting. Rule 12.1.6 states that the meeting is to be chaired by the oldest committee member until a Convener is chosen. The “oldest committee member” is defined as the oldest member of the committee present at the meeting who has indicated to the Clerk that he or she agrees to chair the meeting. Jamie McGrigor MSP is the relevant member of the Procedures Committee.

Choice of Convener

3. On 4 June, the Parliament agreed to motion S2M-107 which resolved that members of the Liberal Democrat party are eligible to be chosen as Convener of the Procedures Committee. The oldest committee member will, following the declaration of interests, invite nominations for the convenership. As there is only one Liberal Democrat member of the Committee, it must be assumed that he will be nominated as the only candidate for convener, and henceforth chosen by the Committee. There is no requirement for a nomination to be submitted in advance of the meeting or to be seconded.

4. On being chosen by the Committee, the Convener will immediately take the chair and will chair the remainder of the meeting.

Choice of Deputy Convener

5. The procedure for choosing a Deputy Convener is the same as that for the Convener and will be conducted by the newly-chosen Convener. According to motion S2M-107, the Deputy Convener must be a member of the Labour party, and the Convener will therefore invite a nomination from among the three Labour members of the Committee.

Roles of Convener and Deputy Convener

6. The duties and responsibilities of the Convener and Deputy Convener of a Parliamentary Committee are set out in Rule 12.1 of Standing Orders. Further detail is provided in paragraphs 4.7 to 4.13 of the Guidance for the Operation of Committees (Second Edition) which can be found at http://www.scottish.parliament.uk/business/g-committee/cg-1.htm#8
PROCEDURES COMMITTEE

LEGACY OF THE PREVIOUS COMMITTEE

Note by the Clerk

Introduction

1. A question faced by any new committee, established at the beginning of a new session, is how far to pick up and take forward the work of its predecessor committee and how far to start afresh. Formally speaking, nothing that a predecessor committee did or proposed is binding on its successor, but most new committees (particularly the mandatory committees such as Procedures, whose remits are unchanged from last session) will wish to learn from the experience, and build on the work, of their predecessors.

2. Towards the end of last session, many committees produced what are known as “legacy papers” – that is, papers aimed at their successor committees in the new session, reflecting on and summarising some of what they had achieved and how they had operated. The previous Procedures Committee did not prepare a legacy paper along these lines, but it did leave behind a substantial legacy of proposals and recommendations of which the new committee should be aware.

The “Founding Principles” Report

3. Much of the previous committee’s legacy is contained in the committee’s 3rd Report, 2003 on the Founding Principles of the Parliament (SP Paper 818). This substantial and wide-ranging report has a great many recommendations covering almost every aspect of the Parliament’s operation. Its preparation occupied the majority of the committee’s time during the final two years of last session. The report itself consists of 1,001 paragraphs, including 135 separate recommendations; there are also four volumes of supporting evidence.

4. All members of the committee have been given or sent a copy of Volume 1 (the report itself). The other volumes may be obtained on request from the Document Supply Centre (SPICe).

5. A separate note on options for a work programme will be circulated for the next meeting, setting out the main recommendations of the report that the new committee may wish to take forward.

Debate on the Report

6. The previous committee had hoped to secure Chamber time for a debate on the report at the end of last session, but in the event this did not prove possible. It is now for the new committee to decide whether it wishes to seek time for such a debate.

7. Such a debate would be on a motion in the name of the Convener, lodged on behalf of the Committee, and the Convener would also be expected to make the opening (and perhaps also the closing) speech. There would be a presumption
that a number of other current committee members (as well as, no doubt, some former members) would be among the speakers in the debate. For these reasons, the Committee may wish to consider and decide its own view on the Report before seeking to secure time for such a debate.

8. One question that arises is the nature of the debate that would be sought. One option would be to use the Report as a platform for a general review of how well the Parliament has operated to date. That could be done by means of a motion simply to “take note” of the Report, which would not lead to any decision but might serve as a useful opportunity to air some important issues in the Chamber. Another option would be to seek the Parliament’s specific endorsement to pursuing some of the recommendations in the Report. That would require a more “directive” motion (e.g. one calling on various office-holders or bodies within the Parliament to respond to specific recommendations affecting their responsibilities). The Committee might wish to spend some time prior to any such debate considering which recommendations to pick out for endorsement in that way.

“Time in the Chamber”

9. The previous committee also prepared a paper on the allocation of time in the Chamber, which it labelled as a “legacy paper” for consideration by its successor. A copy of this paper is attached (PR/S2/03/1/5). It includes some discussion of question time issues, which are now likely to be taken forwards separately, but mostly deals with the more general question of how much Chamber time should be allocated in a normal week, how that time is distributed to different categories of business and how the time allotted to each debate should be divided among members wishing to speak.

10. New members in particular may wish to take the opportunity of reading this paper now, ahead of any discussion of the Committee’s future work programme (when taking it forward will feature among the options).

Proposals by Donald Gorrie

11. A short paper setting out some proposed Standing Order changes suggested by Donald Gorrie was circulated for the previous committee’s last meeting (18 March). Three of the four proposed changes related to Stage 1 and Stage 3 proceedings on Bills; the fourth related to oral questions. After a brief discussion, the committee agreed that this should also be treated as a “legacy” to be left to its successor committee. If members wished to pursue Mr Gorrie’s ideas, this might best be done in the context of inquiries into the legislative process or into questioning, both of which will feature among the options for the Committee’s future work programme (in a separate paper for circulation for the next meeting).

The Committee’s role

12. The committee’s role is to consider how the Parliament operates and, where appropriate, make recommendations to the Parliament about changes to procedures and practices. Such recommendations become binding only where a motion (in the name of the convener of the Committee), inviting the Parliament to
agree to specific recommendations, is agreed to in the Chamber. This mechanism is used only for the most important recommendations – and is necessary to give effect to any recommendation to make textual changes to the Standing Orders. Other expressions of the Committee’s view, while not formally binding, still carry some weight – for example, by creating a presumption about what would be regarded as good practice.

13. The procedures and practices that are the subject of the Committee’s work derive from a number of sources. The basic foundation is the Scotland Act, which established the Parliament and specifies some minimum requirements of what must be covered by Standing Orders. A more detailed framework of Rules is set out in the Standing Orders. These were originally statutory (being made in a “transitional order” under the Act), but have now been adopted by the Parliament and may (subject to the constraints imposed by the Act) be amended by it on the recommendation of this Committee. The Standing Orders have in turn been developed and amplified by Presiding Officer rulings, by conventions and by established working practices – though these are of course more flexible and may continue to evolve without formal decisions being taken to change them.

14. Various guidance documents have been prepared by the clerks which give a descriptive overview of particular areas of the Parliament’s work – for example, on Public and Private Bills, motions, questions and the operation of committees – and these may occasionally be brought to the committee for consideration and clearance.
PROCEDURES COMMITTEE
FIRST MINISTER’S QUESTION TIME

Note by the Clerk

Introduction

1. Attached for consideration by the Committee is a letter from the Presiding Officer to Iain Smith dated 5 June 2003, concerning primarily First Minister’s Question Time (FMQT).

2. Also attached are a letter from the First Minister to the Presiding Officer of 8 May 2003 and the Presiding Officer’s response of 22 May 2003.

Priority Issues

3. The Committee is invited to consider whether it wishes to deal, as a matter of urgency, with the two priority issues raised by the Presiding Officer, namely possible changes to Standing Orders to allow FMQT to be extended from 20 minutes to 30 minutes and to allow FMQT to take place other than immediately following Question Time.

4. There are clearly other issues raised in the correspondence which may well require a longer time period for proper consideration, but it is suggested that, if the Committee is so minded, the two distinct issues mentioned above could be dealt with relatively quickly.

Timescales

5. The Committee will note that the Presiding Officer would like this “first tranche” of changes to be in place for the second week after summer recess at the latest. For this timescale to be met, the Parliament would have to agree to any Standing Order changes proposed by this Committee during the first week following the summer recess. Any new Rules could then be reflected by the Bureau in an amended business programme for the second week back.

6. If there is agreement to proceed to this timescale, the Committee is asked to take a view on whether it wishes to gather evidence to supplement what is contained in the attached correspondence and, if so, from whom.

7. As is noted in the Presiding Officer’s more recent letter, he has already had meetings with the leaders of other parties and independent members and reports their general agreement to the changes proposed. However, these party leaders and independent members may welcome an opportunity to express their views directly to the Committee in more detail (and, indeed, other MSPs may also wish to make their views known). It may also be that non-MSPs with an interest in the issues would welcome such an opportunity – for example, the broadcast media.
8. In view of the tight timescale for completing the work involved, it would be difficult for the Committee to take oral evidence, and it may therefore be content to invite written submissions only, for receipt by, say, Wed 18 June – to allow them to be circulated for consideration at a second meeting of the committee in the week beginning 23 June.

9. Assuming the Committee is then in a position to form a view, a draft report could be prepared over the recess for consideration at a further meeting which could be arranged for the end of the summer recess (perhaps during the last week of August). This would allow the report to be published, and any Convener's motion lodged, by the time the Parliament returns from recess. The motion could then be taken, and Standing Order changes agreed, by the Parliament during the course of the first week back.

Conclusion

10. The Committee is invited to agree that it wishes to treat this work as priority and to work to the timescales suggested above.
Dear Iain

FIRST MINISTER’S QUESTION TIME

I understand that, as the sole Liberal Democrat member of the Procedures Committee, you can expect to be chosen as the Committee’s convener next week.

You will no doubt already have seen the exchange of letters that took place last month between myself and the First Minister on a number of proposed changes to the Parliament’s procedures that we both believe are desirable, given the changed composition of the Chamber in this session. You may also be aware that I have spoken to the leaders of all the parties represented in the Bureau, together with Dennis Canavan and Margo Macdonald, to gauge their attitude to the First Minister’s suggestions. They offered broad support for much of what was proposed.

I am conscious that your committee has only just been established and has not yet had an opportunity to formulate its own work priorities. However, in view of the broad cross-party agreement that has already emerged, I very much hope that you will agree to concentrate, during the short period remaining before the summer recess, on considering two particular issues that have emerged.

Cont’d....
I suggest that the first priority is to allow an extension of the time allowed for First Minister's Question Time. The First Minister has proposed increasing the time allowed by Standing Orders from 20 minutes to perhaps 30. This should both allow more questions to be taken each week and allow more supplementaries to be asked in relation to each question taken. Such a change to the rules would, I believe, be essential if I am to ensure that the questions asked during First Minister's Question Time can properly reflect the new party balance in the Chamber, while still giving backbenchers a reasonable opportunity to contribute in addition to party leaders. All the party leaders and independent members I spoke to backed this idea – although both Robin Harper and Tommy Sheridan felt that a still longer period (40 or 45 minutes) might be necessary.

The other issue I hope you will treat as a priority is to enable First Minister's Question Time to be detached from Question Time – again, something that would require a relatively straightforward change to Standing Orders. The First Minister's suggestion would involve Question Time retaining its current "slot" on Thursday afternoon while First Minister's Questions would move to just before lunch on Thursday. I welcome this suggestion, and it also has general backing from the other party leaders and independents I consulted.

In view of the widespread consensus on these two propositions, and the straightforward nature of the change to Standing Orders involved, I would very much hope that your committee would be in a position to report on these particular points as soon as possible after the summer recess, to enable the first First Minister's Questions in the new format to take place in the second week after the recess. I realise that this is a very demanding timescale, but I hope it is one you will agree is worth aiming for.

Other important issues are, as you will see, raised in my correspondence with the First Minister. I have asked Murray Tosh to conduct some initial discussions with business managers on these points, and you may wish to liaise with him about when he would expect to bring the results of those discussions to your committee.

I am copying this letter to the First Minister and to Murray Tosh.

Yours sincerely

George Reid
Dear Jack,

Thank you for your letter of 8 May and for your kind wishes.

When I was elected to the position of Presiding Officer, I remarked that we all have a responsibility to build public confidence in the Parliament as a place where issues of devolved Scottish life are identified, thoroughly debated, and, after proper scrutiny, decided.

That is why I particularly welcomed your reflections on how the Parliament could develop. There is no doubt that we have a very different Chamber post 1 May, and I wish to ensure as fair a balance as possible in how we conduct our business and how we apportion our time.

I have now spoken to all of the party leaders and independent Members in the Parliament and I am pleased to confirm that there is a significant degree of consensus to introduce a number of reforms as soon as possible.

Every Member should expect fair shares when it comes to delineating the issues of Scots life and I know you also wish to see the composition of the new Parliament recognised as early as possible in the Second Session. I hope to start that process by ensuring that backbench Members have more opportunities to make longer speeches in debate. This will not only allow for greater depth but more scope for development of argument as Members will have reasonable time for interventions. It would be my intention to initiate this in time for the first major debate this session on the Executive’s Programme for Government.

I also intend to write to the Procedures Committee as soon as it is established to request that they consider changes be made to First Minister’s Questions. An extension of time from 20 minutes to 30 minutes would increase the number of backbench contributions and protect the smaller parties’ rights to a proportionate share of the questions selected.

My letter to the Procedures Committee will also take up the suggestion that FMQs need not immediately follow Question Time. Such slots are pivotal to the dynamic of the Chamber and separating them would allow a different approach to scheduling Questions. I would expect to see the Committee reporting to the Parliament very quickly so that we could implement this first tranche of change in the second week after the summer recess at the latest.
I also have in mind that you suggested other changes and reforms that will require a greater degree of development and scrutiny before they can be implemented. There is firstly the suggestion that Question Time is developed using Departmental questions with the aim of increasing Ministerial accountability through deeper and wider scrutiny. This is to be welcomed and I would expect that the Procedures Committee would be able to report further to the Parliament on this matter by the end of October.

Many of the proposed reforms that I discussed with party leaders and have outlined so far have a resonance with recommendations made in the last Procedures Committee report on the CSG principles. That report was of course very wide ranging but I detect that there is broad agreement to the suggestions made as to how to improve the way the Parliament manages its business.

I believe that we should move as quickly as possible to consider what we can do to improve the scrutiny of legislation, including looking at extending timetables and deadlines. Recommendations relating to how motions for Members’ Business are selected, and how the Parliamentary week is organised, are also worthy of early consideration. I have therefore asked Murray Tosh to take forward those longer-term issues with a view to consulting parties before engaging the new Procedures Committee with agreed proposals.

During this process Murray will, of course, liaise closely with Patricia Ferguson as Minister for Parliament and with Trish Godman as Convener of the Convener Group.

I would like to thank you again for your support. I feel sure that, with the involvement of all Members, we can build confidence in the Parliament as the place where the issues of devolved Scottish life are decided, after proper debate and scrutiny.

Yours sincerely

GEORGE REID
Many congratulations on your election as Presiding Officer. I wish you well in the past, and I am sure that, like me, you will want to develop confidence in our Parliament.

Although I am in the midst of discussions regarding a possible coalition agreement, I am very keen to pass on to you my reflections on the Parliamentary process from the last four years, and in particular the 18 months that I have been First Minister. I am also keen that the implications of the new composition of the Parliament should be taken into account as we embark on the new parliamentary session in earnest.

In general terms I believe that the performance of the Parliament as a whole would be enhanced through greater spontaneity, more time for backbench speeches and some flexibility in, or an extension to, the working hours of the parliament.

In terms of First Minister Questions, I would be very keen to see more time devoted to questions. Perhaps extending the time allocated from 20 minutes to 30 minutes but ensuring that the new arrangement would extend the opportunity for questions from the backbenches.

I have regularly received representations from schools and their teachers about the timetabling of FMQs. The current 3.30 finish time is often too late within the school day for some schools to stay in Edinburgh. Using a slot before lunchtime on a Thursday would I believe make sense. It would free up time for debates on a Thursday afternoon, and make FMQs more accessible for the public.

I am also interested in the idea of making First Ministers Questions themselves more flexible rather than the rigid structure that they are just now. Perhaps by allowing the leaders of the opposition to ask their questions on the back of written questions from backbenchers, and allowing more time for supplementarys from the backbenches. I think this might make FMQ’s more free flowing and natural.
I also believe it would be good for the Parliament if the Convenors of Committees could question the First Minister in public on a twice-yearly basis, further enhancing the status and profile of the Parliament’s Committee system, one of the clear successes of the Scottish Parliament.

Finally, it is important that the leaders of both the smaller parties are given their chance to question the First Minister. Perhaps a way of dealing with this would be to give each a slot every fortnight, recognising their new position.

Regarding Scottish Executive Questions, I believe the accountability of Ministers could be improved by designing question time on a thematic basis. For example, the Parliament could spend an entire question time session questioning the health ministers. This would allow for the questions and points made by backbenchers to reach a greater depth than the current system allows for. Clearly, there must remain to be provision for current and topical issues to be raised in other areas. But I do believe there is a case for the whole Question Time slot to be radically changed and I have asked Patricia Ferguson to consider this matter in more detail.

The changes I have suggested to FMQs would, I understand, require relatively straightforward changes to the Standing Orders, assuming the Procedures Committee is content, and I hope that any changes could be in place for Parliament’s return after the summer recess.

Fundamentally, I believe that the status and credibility of the Parliament will be enhanced in the eyes of the public if we can encourage longer debates, greater backbench involvement and a move away from the perception that debates are almost pre-programmed on a party political basis.

I have copied this letter to the Leaders of the other parties in the Parliament and would be grateful if you could forward this letter to the Procedures Committee for its consideration before the summer recess.

I would be delighted to discuss any of the issues I have raised in this letter and I look forward to meeting with you in due course.

Yours sincerely,

JACK McCONNELL
PROCEDURES COMMITTEE

TIME IN THE CHAMBER

Paper by the previous committee

[Note by the Clerk: This paper was prepared in mid-March this year, when Murray Tosh was convener of the previous committee and Sir David Steel was Presiding Officer. When it was discussed at the previous committee’s last meeting, some suggestions were made for corrections and alterations to the text, and the meeting concluded with agreement that the paper would be amended to reflect those suggestions. In the event, however, Murray Tosh decided to make no further changes to the paper, and it is therefore reproduced here in the same form as circulated for that final meeting of the previous committee. Members may wish to read it in the light of the discussion on the paper that took place – see Procedures Committee, Official Report, 18 March 2003, cols 2409-2421.]

Introduction

1. At its meeting on 4 February 2003, the Committee considered a letter of 9 January 2003 from the Presiding Officer to Murray Tosh on Question Time and First Minister's Question Time, and the results of a questionnaire issued to all MSPs in May 2001 and then again in the autumn of 2002 (correspondence attached).

2. 82% of responses to the questionnaire issued in autumn 2002 agreed that it would be helpful for the Procedures Committee to investigate in detail whether the overall time allocated to Chamber business is appropriate.

3. Following discussions of those questionnaires, previous Committee discussions, consideration of the evidence gathered during the CSG inquiry (including papers presented to the Committee by individual members of the Committee), the Committee agreed to prepare a paper setting out possible options for an alternative model of the working week for consideration by the successor Procedures Committee.

4. This paper does propose tentative outline models for the Parliament's working week, but mainly summarises some of the evidence gathered by this Committee and draws some conclusions from what has been learnt. Much of the work undertaken to date has elicited a range of views on particular issues and it is far from clear that there is genuine consensus on many of the areas. We expect that further evidence and/or survey work will be required to test the conclusions drawn so far and to develop further some of the issues and suggestions made.

General

5. The standing orders state that “The normal Parliamentary week is between the hours of 14:30 and 17:30 on Monday, 09:30 and 17:30 on Tuesday, Wednesday and Thursday and 09:30 and 12:30 on Friday” (Rule 2.2.3).
6. Rules 2.2.4 and 2.2.5 also specify the circumstances in which a meeting of the Parliament may continue beyond “normal” hours, for example to complete voting, to consider Members’ Business, or on a motion of the Bureau to continue to sit until 19:00 on a Wednesday.

7. The practice to date, with a few exceptions, has been for the Parliamentary week to be regarded as Tuesdays, Wednesdays and Thursdays. Mondays and Fridays have been used normally for travel and constituency work.

8. The Parliamentary week must accommodate committee meetings, which are not held at the same time as a meeting of the Parliament other than in exceptional circumstances (Rule 12.3.3).

9. Committees generally meet on Tuesdays and Wednesday mornings, effectively leaving Wednesday afternoon and all day Thursday free for plenary meetings of the Parliament.

10. In addition to committee meetings, the Parliamentary week also accommodates the normal plenary business: debates, the formal legislative stages, Ministerial statements and Members’ Business in addition to Question Time (QT) and First Minister’s Question Time (FMQT).

11. The normal Parliamentary week, as set down in standing orders, comprises:

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<tr>
<th>Day</th>
<th>Time</th>
<th>Activities</th>
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<tr>
<td>Monday</td>
<td>14:30 to 17:30</td>
<td>Members’ travel and constituency time</td>
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<tr>
<td>Tuesday</td>
<td>09:30 to 17:30</td>
<td>Committee meetings, SPCB, Bureau and Conveners’ Group</td>
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<tr>
<td>Wednesday</td>
<td>09:30 to 13:00</td>
<td>Committee meetings</td>
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<tr>
<td></td>
<td>14:30 to 18:00</td>
<td>Time for Reflection, plenary business including Members’ Business</td>
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<tr>
<td>Thursday</td>
<td>09:30 to 12:30</td>
<td>Plenary Business</td>
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<td></td>
<td>14:30 to 18:00</td>
<td>QT, FMQT, plenary business including Members’ Business</td>
</tr>
<tr>
<td>Friday</td>
<td>09:30 to 12:30</td>
<td>Members’ travel and constituency time</td>
</tr>
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12. In most weeks therefore, six hours of the parliamentary week envisaged by Standing Orders are allocated to Members’ travel and constituency time. The Committee places importance on constituency activities of MSPs, and it is clear that the Parliamentary week requires to cater adequately for this aspect of Members’ work.

13. Recently, in the run up to dissolution, the Parliament agreed to sit for full days on Wednesdays from mid-February to the end of March. This has been a good
illustration of the difficulty of matching business to the time available. On two occasions the Parliament finished significantly ahead of schedule, on both occasions a Stage 3 finishing earlier than anticipated. As it is not the practice to have business in reserve, parliamentary business concluded with at least an hour to spare on each occasion. It is important to note however that these problems are likely to be related to the high legislative throughput in the run up to dissolution.

Specific Issues Arising

Available Plenary Time

14. Plenary time has tended to be broken down typically as follows: a single 2½ hour debate on a Wednesday afternoon followed by Members' Business; either a 3 hour debate on the Thursday morning, or two 90 minutes debates, followed in the afternoon by QT and FMQT, usually followed by a 90 minute afternoon debate and finishing with the second period of Members’ Business of the week.

15. According to the questionnaire responses, “the time allocated to individual debates is not the right length” (68% of responses) and “the debates are most often too short” (57%). It is difficult to establish the right length for a debate. For example there has been dissatisfaction expressed with some of the Thursday morning 3-hour debates with a feeling that these have dragged on occasion; and that consideration could be given to finishing committee business by noon on Wednesdays to allow an earlier start in the afternoon for plenary business. The results of the questionnaire suggested that a significant minority of members were receptive to a later finish on Wednesdays (40% of respondents).

Number of Debates (including Budget)

16. In response to the question “Should there be fewer debates, to allow more time for those which remain?”, 55% of the respondents to the Committee’s recent questionnaire agreed (a total of 25.6% of all MSPs). Donald Gorrie expressed the view that there are too many debates and that in general fewer, but longer, debates would be preferable.

17. Conversely, the large amount of time devoted to budget debates in the Chamber has been raised. Most recently Andy Kerr, the Minister for Finance and Public Services said:

“The last debate on this subject was on the Finance Committee's report on stage 2 of the budget process and the next will be on stage 3 of the Bill next month. Therefore, perhaps we share suspicions that there are too many debates in which members from all parties make broadly similar contributions. We might want to consider that point in future. It is also worth considering that the parliamentary budget process appears to be compressed into one part of the year.”

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1 12 Feb 2003 and 20 February 2003.
2 Murray Tosh, Procedures Committee, SPOR, Col. 415
3 Fiona Hyslop, Procedures Committee, SPOR, Col. 2277
4 PR/00/8/4 considered by the Committee 20 June 2000
5 SPOR 30 January 2003Col. 17699
Standing orders require that in proposing the business programme, sufficient specified time be set aside for consideration of financial proposals.\(^6\)

18. It would seem that there is some support for longer debates but that the time allocated for budget debates at least may be too generous. It could be argued that to date, most plenary budget discussion has centred on budget process as opposed to detail. Work could therefore usefully be done on whether best use is being made of the plenary time earmarked for discussion of spending proposals.\(^7\)

19. **The way in which business managers assess the level of interest anticipated for particular debates should also be reviewed to ensure those debates in which a greater number of members wish to speak are scheduled for longer.** This is dealt with in more detail in paragraphs 31 to 33.

**Members’ Business Debates**

20. Standing Orders provide for a period of up to 45 minutes for any Members’ Business at the end of each meeting following Decision Time. More recently, when sitting until 7 pm on Wednesdays, some Members’ Business debates have been scheduled over lunchtimes.

21. **Following consideration of issues surrounding Members’ Business during the CSG Inquiry, the Committee concluded that consideration should be given to the positioning of Members Business earlier in the day, particularly where a motion has attracted a high level of support and further, that if the Parliament was to decide to increase the amount of plenary time available, consideration should be given to timetabling more Members’ Business debates.**

**Nature of Debates**

22. The practice to date has been for debates to be scheduled by the Parliament by means of approval of the business motion following which the relevant Minister (in the case of Executive debates) or member (in the case of opposition party debates) lodges a motion. Motions must be lodged at least 2 days before the day on which they are to be taken. The other parties will lodge amendments to the motion, which if selected by the Presiding Officer, will be debated along with the motion.

23. This “adversarial” approach of debate by way of motion/amendment has been criticised as not leading to considered debates. Debates are always on a motion, thus inviting amendments and encouraging a “yah-boo” approach.\(^8\) One way of addressing this could be scheduling debates on a particular subject, for example “Future of Community Care” or “Sport in Scotland”, without the need for a motion and amendment(s).

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\(6\) Standing Orders, Rule 5.8

\(7\) The Finance Committee is currently undertaking a review of the budget process as a whole and the outcome of that review is likely to impact on the number and length of spending proposal plenary debates.

\(8\) Donald Gorrie in PR/00/8/4 considered by the Committee on 20 June 2000.
24. In the survey, in response to the question “Should some debates be on a subject (i.e. on a neutral motion with no decision taken at the end of the debate, as with Members' Business debates) rather than on a motion expressing a particular point of view (i.e. where there are likely to be amendments to the motion, and where divisions can be expected at the end of the debate)?”, views were evenly split.

25. The Committee's report on the CSG Principles considered this in more detail (paras 478-490) and recommended that two trial debates of three hours each, on topical and substantive issues, are arranged for early in the next session of the Parliament. If these debates are deemed a success it is hoped that they will become a more regular occurrence.

26. Subject debates are not precluded by Standing Orders and as there does appear to be significant support for such an approach it could be that, once a term for example, a slot is set aside for such subject-based debates. The topic of such debates could be notified earlier than is presently customary for debates, thereby giving more time for members to prepare. Suggestions for such debates could be made, similar to the way in which Members' Business motions are noted in the Business Bulletin, with an opportunity afforded to members to indicate their support for a debate on such a topic. For subject debates to be successful, it would seem crucial that the subject is relevant and interesting to a large number of members.

Speaking times in debates
27. Speaking times are a matter for the Presiding Officer. Speaking times in debates are split between opening/closing speeches (generally Ministers and party spokespersons) and open debate (backbenchers). The suggested times for opening and closing speeches have been agreed by the Bureau and depend on the length of the debate, e.g. a 90-minute debate will generally allow 48 minutes for opening/closing speeches and 42 for open debate. A 150-minute debate will allow 86 minutes for opening/closing and 64 minutes for open debate.

28. According to questionnaire responses, 65% of respondents (30% of MSPs) said “time allocations for opening speakers should be left as they are”, 70% said “in debates on Executive and opposition party motions, backbenchers should be allocated longer than 4 minutes speeches” and 52% of responses said “6 minutes is a reasonable time allocation to develop a backbench speech”.

29. Although the results of the questionnaire do not seem to imply any significant dissatisfaction with the times for opening/closing speeches, it may be worth considering whether there are good reasons for opening/closing speeches to increase proportionately in line with the scheduled length of the debate or whether fixed times for opening/closing speeches regardless of the length of the debate should be introduced. This could, in theory at least, allow longer for those backbenchers who wish to contribute to open debate.

30. The dynamics between the numbers of members wishing to speak in debates, the overall amount of time available for plenary debate during the week – as well as for individual debates – under the present arrangements
for the plenary week, and the allocation of speech time between front and backbenchers, will need to be considered carefully.

Speaking lists
31. For each debate, each party’s business manager indicates in order of priority which speakers are being proposed, Members not represented on the Bureau also indicate to the business team whether they wish to be called to speak. This does not preclude Members from attending, acting spontaneously and pressing their “request to speak” buttons during the debate. Evidence to date however suggests that it sometimes does.9

32. The transparency and desirability of the current practice whereby speaking lists are prepared was considered by the Committee which recommended in its report into the CSG principles that speaking lists should be on the intranet. This would make them open to Members to peruse and add their names to, and available to the Bureau at its Tuesday afternoon meetings to aid business planning. It is at least debatable whether more than 2 weeks’ notice of business would be required to ensure that such an Intranet facility operated adequately.

33. Such a development could help remove some of the frustrations that have been voiced by backbenchers who, from time to time, may find themselves not put forward by business managers for debates. It appears that some Members tend not to see merit in turning up for a debate and hoping to get in speculatively. The statistics for speakers not called in debates cannot therefore be relied upon of evidence of level of unmet need.

Timing
34. The level of accuracy with which those proposing business (Business Managers) are able to determine the appropriate length of time available for any single debate will depend in large part on their awareness of the likely level of interest. At present, the deadline for motions is 2 days before the day on which they are taken. In addition to enhancing the means whereby Members signal their interest in speaking in debates to the Bureau members by use of an intranet facility, the Committee in its CSG report considered that the matching of supply (time) to demand (number of backbenchers wishing to speak) required consideration of the amount of notice available to members to register their interest in a debate.

Legislation
35. Plenary time is required for consideration of the general principles of any Bill at Stage 1 and at Stage 3 for consideration of any amendments, and to decide whether a Bill be passed. Timetabling for Stage 3 of Bills has been raised on a number of occasions previously.

36. In recent weeks, Stage 3 proceedings have finished considerably ahead of schedule. With no business to fill such unexpected gaps, free plenary time is

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9 The responses to the questionnaires on the number of respondents who felt that they could have made a contribution to the debate but were not called were not borne out by the records maintained by the Business Team of speakers not called in debates from which it could be argued that it appears that if Members know they are not on the speaking list they generally do not attend the debate.
simply lost. While it is better to err on the side of generosity when scheduling time for Stage 3 (as too tight a timetable would be intolerable), and while such timetabling misunderstandings are relatively unusual, it will be appropriate for the fundamental review of the legislative process, proposed by the CSG report, early in the new session, to look at this and many of the issues surrounding time available for consideration at each of the stages and the management of a Bill’s passage through the Parliament, in detail. More informed timetabling of Stage 3 debates would almost certainly lead to more efficient use of plenary time. An earlier cut-off point for amendments could present a clearer picture of what the Stage 3 proceedings are likely to entail.

First Minister’s Questions Time (FMQT) and Question Time (QT)
37. Over the first session of the Parliament, discussion has taken place in a number of different forums on the subject of Question Time and First Minister’s Question Time.

38. The Presiding Officer wrote to the Convener of the Procedures Committee on 9 January 2003 making some suggestions for reform of QT and FMQT. It is clear that further work will be needed to test views on any proposed changes. The following paragraphs summarise the views expressed and suggest options which may be worth further consideration.

First Minister’s Question Time
39. Following the experience of Aberdeen in May 2002, the Presiding Officer suggests that FMQT should be extended to 30 minutes and that he understands the proposal to command widespread support.

40. An extension of 10 minutes to FMQT could allow all six selected questions to be reached more frequently, and enable additional backbench supplementaries to be taken at a point of plenary business which commands widespread media interest and therefore reaches large numbers of the public. The intention would not be that Party Leaders be afforded any further time and nor for FMQT to be moved from its current Thursday afternoon slot.

41. On the other hand it was noted that 61% of respondents to the questionnaire stated that they considered FMQT was the right length. After discussion, the Committee agreed that the suggestion that FMQT be extended to 30 minutes should be proposed in the context of a package of options.

Question Time
42. In his letter, the Presiding Officer mentioned the perception that QT unlike FMQT, is not working as well as Members would like. The majority of questionnaire responses stated that QT was the right length, therefore dissatisfaction may relate to the structure of QT.

43. Some of the reasons given by the Presiding Officer, or members of the Committee, for dissatisfaction have been: lack of sustained focus failing to attract the same attention from the media as FMQT; the scattergun approach to

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questioning not encouraging in-depth examination, being too staccato and perfunctory and not particularly meaningful; some Members not getting their questions drawn for a number of months; too few Members being given the opportunity to ask questions on too few issues; not enough time for a Member to follow-up with a supplementary; and, on occasion, both questions and answers individually being too long.

44. Conversely, the “scatter gun” approach is seen by some as being a good means by which the Executive is held to account by virtue of the fact that various issues can be discussed at once and placed on the record.

45. The Presiding Officer suggests that if the present open question sessions were retained, one option for change could be for him to select the first 3 questions to increase topicality and/or relevance. While there was some support for this, it was noted that what is important to a particular Member may not be important to the Presiding Officer.

46. The Presiding Officer also suggested that there may be merit in replacing some, or all, of Question Time, with “Ministerial” question sessions focusing on particular portfolios or on cross-cutting subjects which involve more than one Minister, along similar lines to the present House of Commons practice.

47. There was some support for this as it could improve the questioning of a Minister by members on a much more sustained basis than at present. There was concern however, that the spacing of such sessions would sacrifice the topicality of questions, reducing interest and spontaneity.

48. It was agreed that there was merit in testing support for subject-based or crosscutting question time or sessions, or at least for questions being grouped. A subject-based session with one or more Minister(s) would allow Members to question with better focus and depth, allow more Members to ask questions, should result in better accountability and in a more newsworthy event. This is being tried in the House of Commons, Westminster Hall, at Minister of State level, the first of such debates having taken place on 23 January 2003, on the subject of Youth Policy.

49. The time allowed for such sessions would be important, for instance two 15-minute sessions was felt to be too short, and it was agreed that replacing all of the present QT with a subject-based session would limit the opportunity for Members to raise questions on particular topical discussions.

Summary of Issues

- More use of the Monday afternoon/Friday morning slots to accommodate plenary business – no rule change required.

- A routinely earlier start on Wednesdays – for instance 2 pm – and a later finish – for example 7 pm.

- Earlier deadlines for motions for debates.
- A longer FMQT – 30 minutes.
- Separating QT and FMQT by moving QT to either Wednesday afternoon or Thursday morning.
- If retaining present QT format, allowing PO to select first 3 questions or/and the grouping of questions.
- If not retaining present QT format, to change to:
  - a subject-based format to allow free flowing questions on specific topics, either on cross-cutting issues or covering the portfolios of two or more Ministers; or
  - a system incorporating 2 QT sessions, one similar to the present system and another cross-cutting or portfolio based.

Possible Models

**Model A**

Greater use of Monday afternoons and Friday mornings for additional Members’ Business Debates.

**Wednesday**: 14:30 to 19:00 2 x 20-minute specific issue or Ministerial portfolio questions followed by debates, legislation and statements

**Thursday**

09.30 to 12:00 Debates etc.

12:00 to 12:25 Open Ministerial Questions

14:30 to 15:00 First Minister’s Questions

15:00 to 17:00 Debates etc.

**Model B**

**Wednesday**

14:30 to 15:10 2x20-minute specific issue or Ministerial-portfolio questions

15:10 to 19:00 Debates etc.

**Thursday**

09.30 to 12:30 Debates etc.

14:30 to 14:55 Open Ministerial Questions (first 3 selected)

14:55 to 15:25 First Minister’s Questions
PROCEDURES COMMITTEE
COMMITTEE ADMINISTRATION

Note by the Clerk

The clerking team

1. The Committee is supported in its work by a team of clerking staff. The clerks’ role is to organise committee meetings, prepare committee papers (including drafting committee reports) and to provide procedural advice and practical assistance. They work particularly closely with the Convener in preparing for meetings and dealing with any correspondence relevant to committee business, but are available to assist any member of the committee in relation to their work on the committee.

2. The current clerking team is as follows:

- Andrew Mylne – Clerk Team Leader (ext. 85175)
- Anne Peat – Senior Assistant Clerk (ext. 85183)
- Lewis McNaughton – Assistant Clerk (ext. 85178)
- Eileen Martin – Committee Assistant (ext. 85191)

All members of the team are based in Room 5.19 PHQ.

3. Members wishing to raise a matter formally with the Convener, or to suggest an item for the agenda, are invited to do so via the clerks.

Other support for the committee

4. The committee often draws upon advice provided by staff in the Directorate of Legal Services, particularly in relation to the drafting of changes to Standing Orders. These legal staff may sometimes attend meetings to answer questions or speak to papers that have been prepared in conjunction with the clerks.

5. As with other committees, research may sometimes be commissioned from the Parliament’s Information Centre (SPICe). New MSPs who wish further information about the role of other staff during committee meetings – such as staff of the Official Report (OR) and security – should contact the clerks in the first instance.

Committee papers

6. A hard copy of the agenda for each meeting, together with supporting papers, will be posted to members no later than the end of the previous week (the day of posting depending on the day of the meeting). These papers are prepared by the clerks, in consultation with the Convener. All papers available electronically will also be e-mailed to members at their Parliament e-mail addresses. All members should ensure that the clerks have up-to-date details of their preferred postal address for receipt of hard-copy papers, and may wish to notify members of any home e-mail address to which they would wish electronic mailings to be sent.

7. Spare copies of committee papers are available from the clerks at meetings.
**Attendance at Committee meetings**

8. The date, time and venue of each meeting is set out at the top of the Agenda sent in advance to members. Any member who is unable to attend, or who may be unable to arrive for the beginning of the meeting, is asked to contact the clerks in advance, so that apologies can be conveyed on their behalf at the beginning of the meeting by the Convener.

9. Under Rule 6.3A, a political party with 5 or more MSPs may nominate a member of that party to act as substitute on a particular committee. Such nominations are made to the Bureau and must then be approved by the Parliament.

10. Once a particular party has gained Parliamentary approval for its committee substitutes, any member of that party on the Committee is entitled to be represented at a meeting of the Committee by that substitute if the member is unable to attend for one of the following reasons:

- illness,
- family circumstances,
- adverse weather conditions,
- a requirement to attend to other business in the Parliament or urgent constituency business (Rule 12.2A).

Generally speaking, substitutes have the same rights of participation as other members of the committee, but a substitute cannot act as Convener, Deputy Convener or Temporary Convener. Any member proposing to be represented by such a substitute should notify the clerks in advance of that fact if possible.

**Method of working**

11. It is for the committee to decide its own preferred method of working, within the constraints imposed by the Rules, and taking account of the body of established guidance and good practice. Members unfamiliar with how committees operate should refer to:

- Chapters 6 and 12 of the Standing Orders; and
- *The Guidance on the operation of committees*, available in hard copy from the Document Supply Centre (SPICe) or on the intranet (from a link at the bottom of the Committees home-page.

The clerks can also give general guidance to any member on the practical operation of the Committee.

12. Once the committee has decided to consider a particular issue, the clerks will prepare a paper setting out relevant background and options. Witnesses may be invited to give evidence at a meeting of the committee; and written evidence or other correspondence may also be discussed. Once the committee has formulated a general view, the clerks prepare a draft report for the committee to consider at a later meeting. Once reports are agreed, the clerks arrange for publication of the report, together with the evidence received. If necessary, Chamber time may then be sought (via the Conveners’ Group) for a debate on the report.